

Exhibit 1

From: Jeffrey M. Ratinoff

Sent: Tuesday, March 3, 2020 7:19 PM

To: John Pernick <jpernick@be-law.com>; Adron Beene <Adron@adronlaw.com>

Cc: John V. Picone III <jpicone@hopkinscarley.com>; Carrie Burkhart <cburkhart@be-law.com>; Cary Chien <cchien@hopkinscarley.com>; Mitesh Patel <mpatel@hopkinscarley.com>

Subject: RE: Neo4j v. GFI/Neo4j v. iGov - March 5 CMC

Gentlemen,

Thanks for taking the time today to discuss ways to streamline things. It is my understanding that we are in general agreement that we should set up a first phase that addresses the trademark and open source licensing issues common to both cases first. The goal would be to complete discovery and file MSJs by September 2020.

I asked that you both confer and let us know before the CMC which specific open source claims and defenses you envisioned being part of this first phase. As I mentioned, it is not clear to me that all of the AGPL-related issues were actually raised by both parties or that they relate to trademark issues and your clients' fair use defense. For example, I do not believe that PT/iGOV/JMS's counterclaims seeking declaratory relief on the issues of (a) the right to provide support under the AGPL + Commons; (b) whether the Commons Clause addition was in violation of the AGPL (c); and whether parties such as the IRS may use open source version of Neo4j in a closed manner should be part of Phase 1. I am also unsure whether the APGL/GPL issues raised by GFI's unclean hands defense can be resolved on MSJ or that it has any bearing on the trademark issues. So, some additional clarification/explanation on Defendants' end would be helpful before the CMC.

As for discovery, we agreed to coordinate depositions to where Neo4j would not have to produce a 30(b)(6) witness twice on the same topics relating to those common issues. I indicated that Neo4j is going to produce documents in the next few weeks in both actions that related to the TM issues, and that we'd be continuing with the Bates numbers used in the PT/iGov case where most of the prior products related to the claims that were only at issue in that case. To the extent that trademark-related documents had been produced already, we'd reproduce those documents in the GFI case with the old bates numbers.

All of the remaining disputes between PT/iGov/JMS and Neo4j would be handled after since they don't involve GFI and we still need to hear from the CA Supreme Court on the 16600 issue.

Finally, I encouraged both GFI and PT/iGov/JMS provide us with a written substantive response on the prior settlement terms and let us know what is acceptable, and what is not, and a counter-proposal on the non-acceptable terms.

Please let me know if I missed anything or that there is something that is not consistent with your understanding of our conversation.

Regards,
Jeff